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SOURCE: CBLEXCLS.007350

DRAFTED BY: WHA/PDA:LSHAMILTON -- 08/14/2002 647-4726

APPROVED BY: WHA/PDA:CVBARCLAY

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AMCONSUL CIUDAD JUAREZ

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: JOHN L MILLS
DATE/CASE ID: 31 AUG 2004 200400110

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ALL POSTS FOR PAO, USSOCOM FOR POLAD

E.O. 12958: N/A
TAGS: OPRC, KPAO
SUBJECT: WHA GUIDANCE, AUGUST 13, 2002

SUMMARY OF CONTENTS:

1. TAKEN QUESTION, AUGUST 12 (VENEZUELA)
 2. WHA PRESS GUIDANCE, AUGUST 12 (VENEZUELA)
 3. WHA PRESS GUIDANCE, AUGUST 13 (CUBA, COLOMBIA, MEXICO)
- END SUMMARY.

1. TAKEN QUESTION - WHA PRESS GUIDANCE, AUGUST 12, 2002:

-- VENEZUELA: VISIT OF FOREIGN MINISTER ROY CHADERTON
(TQ FROM 8-12-02 DAILY PRESS BRIEFING) --
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QUESTION: IS A MEETING BETWEEN DEPUTY SECRETARY ARMITAGE AND
VENEZUELAN FOREIGN MINISTER ROY CHADERTON SCHEDULED? IF SO,
WHEN?

ANSWER: THE DEPUTY SECRETARY WILL MEET WITH VENEZUELAN
FOREIGN MINISTER ROY CHADERTON ON TUESDAY, AUGUST 20.

QUESTION: WILL THE SUBJECT OF THE VENEZUELAN SUPREME COURT'S
DELIBERATIONS ON THE QUESTION OF WHETHER TO CHARGE WITH
REBELLION FOUR SENIOR MILITARY OFFICERS BE ON THE AGENDA?
WHAT ELSE WILL BE INCLUDED ON THE AGENDA?

ANSWER: THE DEPUTY SECRETARY AND THE FOREIGN MINISTER
CHADERTON WILL DISCUSS A WIDE VARIETY OF ISSUES INCLUDING THE
CURRENT POLITICAL SITUATION IN VENEZUELA AND ISSUES OF MUTUAL
INTEREST TO OUR BILATERAL RELATIONSHIP.

2. WHA PRESS GUIDANCE, AUGUST 12, 2002:

-- VENEZUELA: REVOCATION OF VISAS --

Q: CAN YOU CONFIRM THAT PEDRO CARMONA AND MOLINA TAMAYO'S US
VISAS WERE REVOKED?

A: MESSRS. CARMONA AND TAMAYO'S VISAS WERE REVOKED UNDER
SECTION 214(B) OF THE IMMIGRATION AND NATIONALITY ACT, WHICH

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PROVIDES THAT FOREIGN NATIONALS ARE PRESUMED TO BE INTENDING
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IMMIGRANTS AND THEREFORE INELIGIBLE FOR A NONIMMIGRANT VISA
UNLESS THEY CAN ESTABLISH THEY QUALIFY FOR NONIMMIGRANT
CLASSIFICATION.

Q. WHAT WAS THE BASIS FOR THE DETERMINATION THAT THEY DIDN'T
QUALIFY FOR VISAS ANY LONGER UNDER SECTION 214(B).

A: VISA RECORDS ARE CONFIDENTIAL UNDER U.S. LAW, AND I
CAN,T PROVIDE ANY DETAILS ON THE UNDERLYING FACTUAL BASIS
FOR THE INELIGIBILITY FINDINGS.

3. WHA PRESS GUIDANCE, AUGUST 13, 2002:

-- CUBA: FORMER UN AMBASSADOR IN DEPARTMENT --

Q: WILL FORMER UN AMBASSADOR TO CUBA JORGE ALCIBIADES
HIDALGO BASULTO BE MEETING WITH ANYONE IN THE DEPARTMENT?

A: FORMER UN AMBASSADOR TO CUBA JORGE ALCIBIADES HIDALGO
BASULTO WILL MEET WITH STATE DEPARTMENT OFFICIALS, INCLUDING
ASSISTANT SECRETARY FOR WESTERN HEMISPHERE AFFAIRS OTTO J.
REICH. WE LOOK FORWARD TO HEARING HIDALGO'S FIRST-HAND
ASSESSMENT OF THE SITUATION ON THE ISLAND.

-- COLOMBIA: "STATE OF INTERNAL DISTURBANCE" DECLARED --

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QUESTION: DO YOU HAVE ANY COMMENT ON THE PRESIDENT URIBE,S
DECLARATION OF A STATE OF INTERNAL DISTURBANCE? WHAT IS THE
STATUS OF THE EMBASSY? AMERICAN COMMUNITY? ADDITIONAL
TRAVEL WARNINGS ANTICIPATED?

A: PRESIDENT URIBE DECLARED A "STATE OF INTERNAL
DISTURBANCE" EARLY AUGUST 12, AS PROVIDED FOR UNDER THE 1991
CONSTITUTION. A "STATE OF INTERNAL DISTURBANCE" MAY LAST A
MAXIMUM OF 270 DAYS, AND ALLOWS FOR THE PRESIDENT TO ISSUE
DECREE LAWS, DECLARE CURFEWS MAKE SEARCHES WITHOUT WARRANT,
WHILE PROMISING THE PROTECTION OF HUMAN RIGHTS AND CIVIL
LIBERTIES. A RANGE OF COLOMBIAN POLITICAL LEADERS HAVE
SPOKEN OUT IN FAVOR OF THE DECREE.

WE ARE UNAWARE OF SPECIFIC NEW THREATS AGAINST EITHER THE

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U.S. EMBASSY IN BOGOTA, OR AGAINST U.S. CITIZENS IN COLOMBIA. THE EMBASSY IS OPEN AND PROVIDING FULL SERVICES. THE EMBASSY CONTINUALLY MONITORS SECURITY CONDITIONS IN COLOMBIA THAT AFFECT THE SAFETY AND WELFARE OF U.S. CITIZENS. OUR CURRENT CONSULAR INFORMATION SHEET (CIS) ADVISES AGAINST TRAVEL TO COLOMBIA. THE GOVERNMENT OF COLOMBIA IS IN THE PROCESS OF DETERMINING WHICH MEASURES AVAILABLE TO IT UNDER A STATE OF INTERNAL DISTURBANCE IT WILL IMPLEMENT. THE EMBASSY WILL REVISE THE CIS ACCORDING TO SUCH MEASURES, AS APPROPRIATE.

WE ARE CONFIDENT THAT THE GOVERNMENT OF COLOMBIA WILL ENSURE THAT THE STATE OF INTERNAL DISTURBANCE IS IMPLEMENTED IN ACCORDANCE WITH THE RULE OF LAW AND DEMOCRATIC NORMS.

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- MEXICO: CAPITAL PUNISHMENT CASE OF JAVIER SUAREZ MEDINA -

KEY POINTS TO MAKE:

THE DEPARTMENT OF STATE HAS NOT REQUESTED CLEMENCY FOR MR. SUAREZ.

THE DEPARTMENT IS AWARE THAT MR. SUAREZ HAS FILED A CLEMENCY PETITION, WHICH RAISES ISSUES CONCERNING THE FAILURE OF TEXAS AUTHORITIES TO ADVISE MR. SUAREZ OF HIS RIGHT TO HAVE CONSULAR OFFICIALS NOTIFIED OF HIS ARREST AND DETENTION.

THE DEPARTMENT HAS TAKEN NO POSITION ON WHETHER MR. SUAREZ'S PETITION SHOULD BE GRANTED; HOWEVER, THE DEPARTMENT IS PASSING ALONG REQUESTS FROM MEXICO CONCERNING THIS CASE TO THE STATE OF TEXAS.

ON AUGUST 6, THE DEPARTMENT FORWARDED A COPY OF THE MEXICAN DIPLOMATIC NOTE CONCERNING MR. SUAREZ TO THE CHAIRMAN AND MEMBERS OF THE TEXAS BOARD OF PARDONS AND PAROLES UNDER COVER OF A LETTER FROM THE LEGAL ADVISER.

THE DEPARTMENT HAS ASKED TEXAS AUTHORITIES TO GIVE SPECIFIC ATTENTION TO THE CONSULAR NOTIFICATION ISSUE IN THE PROCESS OF CONSIDERING MR. SUAREZ'S PETITION.

THE NEED TO PROVIDE CONSULAR NOTIFICATION IS AN IMPORTANT ISSUE FOR THE DEPARTMENT OF STATE.

Q: WHAT ACTIONS HAS THE GOVERNMENT OF MEXICO TAKEN IN THIS
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CASE?

A: I MUST REFER YOU TO THE MEXICAN EMBASSY.

Q: HAS THE DEPARTMENT OF STATE REQUESTED CLEMENCY FOR SUAREZ MEDINA?

A: THE DEPARTMENT OF STATE HAS NOT REQUESTED CLEMENCY, HOWEVER, THE DEPARTMENT IS PASSING ALONG REQUESTS FROM MEXICO CONCERNING THIS CASE TO THE STATE OF TEXAS

Q: WHAT ACTIONS HAS THE DEPARTMENT TAKEN?

A: IN 1997, WHEN THE GOVERNMENT OF MEXICO FIRST BROUGHT THIS CASE TO OUR ATTENTION, THE DEPARTMENT ASKED TEXAS AUTHORITIES TO INVESTIGATE WHETHER MR. SUAREZ HAD BEEN ADVISED OF HIS RIGHT TO CONSULAR NOTIFICATION.

MORE RECENTLY, WHEN THE GOVERNMENT OF MEXICO RAISED THE CASE WITH US AGAIN, WE WROTE TO THE TEXAS BOARD OF PARDONS AND PAROLES ASKING THAT IT TAKE THE CONSULAR NOTIFICATION FAILURE INTO ACCOUNT AS PART OF ITS CONSIDERATION OF MR. SUAREZ'S CLEMENCY PETITION.

WE ALSO NOTE THAT, AS A RESULT OF COMMUNICATIONS BETWEEN THE DEPARTMENT OF STATE AND TEXAS AUTHORITIES IN 1998, THE DALLAS POLICE DEPARTMENT (WHICH ARRESTED SUAREZ) ADOPTED NEW GUIDELINES CONCERNING THE ARREST OF FOREIGN NATIONALS THAT INCLUDE REQUIREMENTS REGARDING CONSULAR NOTIFICATION.

IF ASKED: DID FOREIGN SECRETARY CASTANEDA REQUEST CLEMENCY
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FOR SUAREZ DURING HIS RECENT CONVERSATION WITH SECRETARY POWELL?

A: FOREIGN SECRETARY CASTANEDA AND SECRETARY POWELL DID BRIEFLY DISCUSS THE SUAREZ CASE DURING THEIR RECENT CONVERSATION; HOWEVER, THE CONVERSATION DID NOT INCLUDE A REQUEST FOR CLEMENCY. IN ANY EVENT, SUCH A REQUEST WOULD NEED TO BE DIRECTED TO TEXAS AUTHORITIES.

Q. IF ASKED: IS IT TRUE THAT MR. SUAREZ HAS FILED A PETITION WITH THE U.S. SUPREME COURT?

A: WE ARE AWARE THAT MR. SUAREZ HAS FILED A PETITION FOR CERTIORARI WITH THE SUPREME COURT. THE COURT HAS NOT YET DETERMINED WHETHER IT WILL TAKE HIS CASE. (WE WON'T COMMENT

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ON PENDING LITIGATION).

Q: HOW HAS THE STATE DEPARTMENT BEEN INVOLVED IN COMPLIANCE WITH THE VIENNA CONVENTION AND OTHER BILATERAL CONVENTIONS ADDRESSING THE ISSUE OF CONSULAR NOTIFICATION AND ACCESS?

A: IN THE PAST FIVE YEARS, THE DEPARTMENT HAS PROVIDED CONSULAR NOTIFICATION TRAINING ON OVER 60 OCCASIONS TO LAW ENFORCEMENT OFFICIALS, PROSECUTORS AND JUDGES AROUND THE COUNTRY. OVER THAT SAME PERIOD WE SENT OUT APPROXIMATELY 82,000 CONSULAR NOTIFICATION AND ACCESS BROCHURES AND 520,000 POCKET CARDS FOR POLICE USE. WE HAVE ALSO PROVIDED NEW TRAINING VIDEOTAPES AND CDS FOR OFFICIALS IN EVERY STATE.

AT THE REQUEST OF THE DEPARTMENT, EVERY STATE HAS DESIGNATED A SENIOR OFFICIAL TO WORK WITH THE DEPARTMENT TO RESOLVE
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PROBLEMS RELATES TO CONSULAR NOTIFICATION OR ACCESSS AND TO ASSIST IN FURTHERING COMPLIANCE.

THE DEPARTMENT KEEPS IN REGULAR CONTACT WITH FOREIGN CONSULAR OFFICIALS STATIONED IN THE UNITED STATES TO ADDRESS SPECIFIC COMPLAINTS REGARDING CONSULAR NOTIFICATION.
POWELL

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